Bureaucrats:
An Endangered Species Not Worth Protecting

President Clinton already has made clear his preference for the spotted owl over the jobs of American workers. Now he is extending his protective arm around another endangered species: the federal bureaucrat.

With the new Republican Congress and the groundswell of support for less government at the federal level, many federal bureaucrats' jobs are at risk. Whole agencies are on the congressional chopping block.

But the federal bureaucrat has a friend in President Clinton, a man who has never met a federal program he did not like. He recently has thrown his support behind a Food and Drug Administration plan to dramatically expand the agency's jurisdiction to regulate tobacco products as medical devices under the Federal Food, Drug, and Cosmetic Act. It matters little to the President that this statute has been consistently interpreted for decades by the FDA, Congress, and the courts to exclude tobacco from the FDA's jurisdiction.

Under the Clinton plan, the federal government would suddenly have the chance to reach into every town in America and into every corner store. What could make big government liberals happier?

Will it be difficult to enforce sweeping regulations like these? Of course it will be. In fact,

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the FDA will need thousands of new employees and millions of additional dollars in its budget to even come close to being able to do the job. The FDA currently views the number of establishments that it inspects at 91,000. In the past few years, the FDA has managed to conduct between 17,000 and 18,000 inspections each year. Tobacco is sold in close to a million outlets. The ten-fold increase in the number of establishments the FDA would have to inspect -- should the FDA become responsible for monitoring tobacco retailers -- would clearly overwhelm the agency. Given the FDA's current rate of inspections, if oversight of tobacco retail practices became the responsibility of the FDA, it would take the agency approximately fifty years to inspect each location once.

All of this may seem like no more than the usual tendency of federal bureaucracies to try to expand their reach whenever possible, but there is another side to this story.

The FDA is responsible for some of the most important regulatory tasks performed by the federal government. It inspects and monitors the food supply to ensure that it is safe. It is also responsible for testing new medical technologies to guarantee their safety before they are allowed into the market. These responsibilities are enormous, and they are expanding as

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medical technology accelerates.

Simply throwing more resources at the FDA will not solve the problem. The FDA's budget has more than doubled over the last decade, yet the FDA has proven itself woefully incapable of keeping pace with new technologies.

The solution lies, instead, with better management of the FDA. The 1991 blue-ribbon Advisory Committee on the Food and Drug Administration appointed by the Secretary of Health and Human Services recommended that the FDA "set program priorities that govern its resource allocations, policy directives, and enforcement activities, in a manner consistent with its mission."

Nearly five years later, it is clear that the management of the FDA has failed to heed this advice.

Oversight hearings in Congress this last spring and summer revealed a shocking pattern of mismanagement and inefficiency that is having serious consequences for the health and safety of the nation. Medical technologies that are already saving lives in other countries are held up for years pending FDA approval, while Americans suffer and die needlessly. Food manufacturing facilities go uninspected for years, allowing dangerous health hazards to fester.

The upper echelons of the FDA have turned their backs on this deepening crisis, instead immersing themselves in the job of preparing regulations to give themselves jurisdiction over tobacco products.

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How can they justify taking on new responsibilities when they cannot meet their existing ones? More importantly, how can they divert much needed resources from the urgent task of reforming the FDA to pursue the goal of regulating tobacco? They cannot and should not.

The FDA's behavior is worse than a power grab. It demonstrates a shocking indifference to the welfare of the American people. President Clinton's support for the FDA's plan proves that he cares more about protecting federal bureaucrats than he does about protecting the ordinary citizens of this country.

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